

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

Claim Status/Amendments.

In this response, claim 1 is amended to clarify the subject matter for which patent protection is sought. It is submitted that support for the amendments to claim 1, can be found in last paragraph of the as filed specification. In addition, the expression "a window fixed to the cover" has been removed from the claims thus overcoming the rejection under 35 USC § 112, first paragraph.

Claims 1-5, 7-9, 11-14, 16 and 18-19 remain pending in the application.

Rejections under 35 USC § 103

The rejection of claims 1-5, 7-9, and 11-13 under 35 USC 103(a) as being unpatentable over Tada et al. (US Patent 2002/0109674) in view of Adams et al. (US 6, 429,852) is respectfully traversed.

The trackball, with its three main elements (movable part, body and ring), forms a subsystem that can be used alone to deliver the claimed item of information. In Tada, the corresponding ring can construed to be the ball cover 7. In this, the function of the case cover 6 is to maintain the ball cover 7 within the case 3. Applicants deem it important to note that the complete object disclosed in Tada correspond only to the track ball of the claim device.

Regarding Adams et al., it is the Applicants understanding that the upper housing 24 has no removable window. In this case, the upper part of Adams is taken to suggest the cover which is claimed. That is to say, gaining access to maintenance means of this trackball, the upper housing must be removed.

The sole combination possible between these two documents is to place the trackball of Tada in the upper part of Adams. However, with this combination, the maintenance means of

Tada (the ball cover 7) would be rendered inaccessible without removing upper housing 24 of Adams from the trackball of Tada. The goal of the claimed invention, is reached with the window as now claimed.

Note is again called to the fact that Tada et al. arrangement is directed to situations such as the decks of boats and the like where water contamination is fully expected. Indeed, the degree to which this device is expected to be exposed to water is such that a drain is clearly and deliberately provided. Note the provision of the drain pipe 32 and the disclosure at paragraphs [0035] and [0036] of Tada et al. It is submitted that such a provision is not lightly made.

Also note the provision of holes 36a and 36b at the corner of the Tada et al. housing. These holes at the diagonal corners are provided to allow the device to be fastened to some piece of equipment or part of a boat deck or the like. This should be compared with the free moving mouse-like arrangement that is found in Adams et al.

Therefore, the application of Adams et al. is not seen as being particularly relevant and would not be particularly considered for use with the structure disclosed in Tada et al. Indeed, it seems hardly likely that the Adams et al. arrangement would be designed tolerate the ingress of water let alone to permit water to enter and to be drained.

The tenor of the Tada et al. disclosure is that the relatively sophisticated multiple track-ball, scroll wheel and the like are not of interest in the environment that the Tada et al. structure is engineered to be used. Accordingly, the palm support disclosure which is found in the Adams et al. reference would not be particularly considered for use with the Tada et al. arrangement.

The rejection of the pending claims is traversed for at least this reasons set forth above.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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A handwritten signature in cursive script that reads "Kenneth M. Berner".

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